

From: Jeff Monks
To: Microsoft ATR
Date: 1/9/02 5:29pm
Subject: Microsoft Settlement

Renata Hesse
U.S. Department of Justice
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

As an information technology professional, I consider myself someone who is heavily impacted by Microsoft's influence in the industry. I also believe I am well-informed of the issues involved, and have a clear understanding of the case. That is why I am extremely dismayed at the settlement proposed by the Department of Justice. While it provides a possible starting place for a fair settlement, it is almost worthless as regards protecting the industry from Microsoft's illegal monopolistic practices.

Judge Jackson's findings that Microsoft's past actions constituted illegal maintenance of a monopoly are nearly unaddressed: where is Microsoft being punished under the proposed settlement? The settlement merely outlines a few guidelines for future business practices, without levying any sort of punitive action for past actions. It is important to remember that we are talking about a corporation that has been found guilty of breaking United States law, and under the proposed settlement will not even be subject to a fine.

I would propose at least two additional requirements for the settlement:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. One of the most powerful tools for Microsoft to maintain its monopoly influence and control competitors is the use of its market share to force users to use Microsoft software in order to interoperate with other users. Open file formats and communications protocols would enable competitors to enter the market with substantially reduced barriers to acceptance, allowing them to compete with Microsoft on a "level playing field".
2. Require Microsoft to use its software patents for defense only (patents in other fields are not necessarily relevant here, and can be exempted). It does little good to force publication of specification to an interface, if elements of that interface are patented and Microsoft refuses to license the patent to competitors. Requiring Microsoft to offer open licensing for any patents that would interfere with the requirement for open specifications is a must.

Further, I must stress that I feel it is a grave disservice to the people who have been hurt by Microsoft's practices to allow Microsoft to enter into any settlement without paying some sort of appropriate penalty for its past actions. To do any less would deprive the American public of any real justice in this case.

Yours sincerely,

Jeffrey L. Monks
7103 Rock Springs Cove
Austin, TX 78729